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GREEN & SCHAFLE LLC

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Attorney for Plaintiffs

B.A., Individually and as Parent and Natural Guardian of **A. E-A.**, a minor, Plaintiff,

vs.

BOROUGH OF SHARON HILL, et al.
Defendants.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Case No.: 22-cv-02026

JURY TRIAL DEMANDED

Hon. Harvey Bartle, III

**PETITION FOR LEAVE TO SETTLE OR COMPROMISE
MINOR'S ACTION ON BEHALF OF MINOR PLAINTIFF E-A., A.**

The Petition of B.A. as parent and natural guardian of A. E-A., a minor, by and through

attorney, Michael C. Schafle of Green & Schafle, respectfully represents as follows:

1. Petitioner is Plaintiff [REDACTED] parent and natural guardian of [REDACTED]
[REDACTED] a minor (hereinafter "Minor Plaintiff").

2. Minor Plaintiff was born on [REDACTED] and [REDACTED]
[REDACTED]

3. Minor Plaintiff resides with Petitioner at [REDACTED]
[REDACTED].

4. On or about August 27, 2021, the minor was attending a Sharon Hill football game when [REDACTED] was struck in the right foot by a bullet shot by police.

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5. Minor Plaintiff was treated for these injuries at Children's Hospital of Philadelphia ("CHOP") where [REDACTED] underwent surgical repair of the bones in [REDACTED] right foot. See CHOP Discharge Summary and Operative Report dated [REDACTED] attached hereto as Exhibit "A".

6. Minor Plaintiff's medical bills were paid by [REDACTED] who is asserting a lien in the gross amount of [REDACTED]. See 10.23.2023 Letter [REDACTED] attached hereto as Exhibit "B".

[REDACTED]

8. This matter was commenced on behalf of Petitioner and Minor Plaintiff by way of Complaint filed on May 24, 2022. The Complaint was subsequently amended to include additional factual averments against Defendants on January 27, 2023. A true and correct copy of Plaintiffs' Amended Complaint is attached hereto as Exhibit "C".

9. The parties engaged in written discovery and early exchange of expert reports in an effort to resolve this matter without protracted litigation and trial given the sensitive nature of the subject matter.

10. The settlement discussions and negotiations in this matter were highly complex, emotionally charged and lasted over six months.

11. Initially, this matter was referred to Magistrate Judge Elizabeth T. Hey for an early settlement conference in April 2023.

12. Following the initial meeting with Judge Hey, the matter was referred to private mediation with retired Judge Thomas I. Vanaskie. The first mediation day with Judge Vanaskie

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took place on July 31, 2023, but the parties were unsuccessful in reaching any agreement to resolve the case.

12. Shortly after the July mediation with Judge Vanaskie, the Defendants made an offer of settlement equal to their available insurance coverage limits which was accepted by all Claimants, including Petitioner, with allocation of the insurance policy limits to be determined at a later date.

13. The parties scheduled a second date of mediation with Judge Vanaskie on August 31, 2023 in an effort to reach an agreement on the allocation of the aforementioned insurance policy limits. Unfortunately, this second mediation was unsuccessful.

14. This Honorable Court then referred this matter back to Magistrate Judge Hey for another settlement conference. This conference took place September 25, 2023.

15. After several hours of negotiations between the parties, the following settlement was proposed and accepted by the Petitioner, individually and on behalf of the Minor Plaintiff, subject to this Honorable Court's approval: Borough of Sharon Hill shall pay to the Petitioner and Minor Plaintiff the gross sum of One Million Dollars (\$1,000,000.00).

16. Attached hereto as Exhibit "D" is a verification of the Petitioner's approval of the proposed settlement and distribution.

17. Counsel is of the professional opinion that the proposed settlement is fair and reasonable in view of the facts of this case, available insurance coverage, and the inherent risks and uncertainties attendant to any jury trial.

18. Litigation costs in the amount of \$15,124.58 were incurred by counsel in the prosecution of this case including expenses for four expert witnesses and two days of private mediation. A complete and detailed itemization and accounting of these expenses is attached as

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Exhibit "E".

19. Undersigned counsel requests a fee in the sum of \$ 300,000.00, which represents thirty percent (30%) of the gross settlement. Notably, Plaintiffs signed a Contingency Fee Agreement for thirty-three and one-third percent (33 ⅓ %), and counsel has reduced said fee to result in more net funds payable to the Petitioner and Minor Plaintiff. *See* Retainer Agreement attached hereto as Exhibit "F".

20. Counsel has not and will not receive collateral payments as counsel fees for representation involving the same matter from third parties (i.e. subrogation).

21. The net settlement payable to the Petitioner and Minor Plaintiff (after deduction of costs, attorney's fees, and [REDACTED] Lien) is **\$ 673,972.28**.

22. Ultimately, Petitioner requests that the net settlement (after expenses, attorneys' fees, and DHS lien) to Petitioner and Minor Plaintiff be distributed as follows:

To:	Adult Plaintiff [REDACTED]	\$ 33,333.33
To:	A federally-insured bank account in Delaware County, Pennsylvania the name of the said minor, [REDACTED] and marked: " <i>Not to be withdrawn until said minor reaches [REDACTED] majority, to wit, [REDACTED] or upon further Order of this Court.</i> "	\$ 640,638.95

16. A proposed order is attached hereto and an updated proposed order will be submitted once the PA DHS lien is compromised.

WHEREFORE, Petitioners request that they be permitted to enter into the settlement recited above and that the Court enter an Order setting forth distribution as follows:

TO:	Green & Schafle, LLC, reimbursement for costs advanced	\$ 15,124.58
TO:	Green & Schafle, LLC, 30% as counsel fees (reduced from 33 ⅓ %)	\$ 300,000.00

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TO: PA Department of Human Services (DHS) \$ 10,903.14

TO: Adult Plaintiff [REDACTED] \$ 33,333.33

TO: A federally-insured bank account in Delaware County,
Pennsylvania the name of the said minor, [REDACTED]
and marked: *"Not to be withdrawn until said minor
reaches [REDACTED] majority, to wit, [REDACTED]
or upon further Order of this Court."* \$ 640,638.95

TOTAL SETTLEMENT: \$ 1,000,000.00

Respectfully submitted,

GREEN & SCHAFLE LLC



BY: Michael C. Schafle, Esquire
Attorney for Plaintiffs

Dated: October 26, 2023

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VERIFICATION

I, MICHAEL C. SCHAFLE, ESQUIRE, hereby states that he is the attorney for Minor Plaintiffs in the within matter and verifies that the statements made in the foregoing Petition are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statement therein is made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

GREEN & SCHAFLE LLC

A handwritten signature in black ink, appearing to be 'MS', with a long horizontal line extending to the right.

BY: Michael C. Schafle, Esquire
Attorney for Plaintiffs

Dated: October 26, 2023